

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION

CASE: Guy and Kimberly Forrester v. MidFirst Bank BK No. 19-81037

APPLICATION FOR ATTORNEY'S FEES

COMES NOW the undersigned attorney, John C. Larsen, and hereby moves the Court to enter an order granting attorney's fees. In support of his motion counsel states as follows:

1. Due to violations of the Automatic Stay by MidFirst Bank, multiple Adversary Proceedings were filed.
2. A settlement was reached in which MidFirst Bank shall pay a total of \$180,000 to settle any and all claims arising from these adversary proceedings.
3. The joint motion to approve compromise and settlement was filed on November 20, 2019.
4. Pursuant to §362(k)(1): An individual injured by any willful violation of a stay provided by this section **shall** recover actual damages, including costs and attorney's fees, and, in appropriate circumstances, may recover punitive damages. See Parker v. Credit Central South, Inc. In Parker, the court found: 1) The plain language of §362(k) provides for a mandatory award for the recovery of attorney's fees for willful violations of the automatic stay without limitation to a return to the status quo; 2) It is well established in reported case law in this District that an award of attorney's fees for violation of the automatic stay include fees necessary to prosecute the adversary proceeding; 3) Nothing in the history of §362 suggests that awards of attorney's fees for a violation of the automatic stay are limited to that which is necessary to reinstate the status quo.
5. No agreement exists between the Attorney and any other person or entity whatsoever for the sharing of compensation in this case.

WHEREFORE, THE FOREGOING PREMISES CONSIDERED, the undersigned attorney makes application for an attorney's fee to be paid from the proceeds of the MidFirst Bank litigation settlement.

Respectfully Submitted,

/s/ John C. Larsen
Attorney for Debtors

Attorney Fees and Expenses

For the purposes of this application only, the Debtors are grouped as follows:

Group 1:

James and Beverly Love, BK: 17-80917-CRJ13, AP:18-80024-CRJ, CV: 19-CV-00004

Group 2:

Guy and Kimberly Forrester, BK: 19-81307-CRJ13, AP: 18-80060-CRJ, CV: 18-CV-01392;

Brenda Cole, BK: 17-82036-CRJ13, AP: 18-80065-CRJ, CV: 18-CV-01402;

Mitchell and Belinda Chappell, BK: 17-83497-CRJ13, AP: 18-80068-CRJ, CV: 18-CV-01398;

James Moore, BK: 17-81041-CRJ13, AP: 18-80064-CRJ, CV: 18-CV-01413;

Senderella Moore, BK: 17-81064-CRJ13, AP: 18-80067-CRJ, CV: 18-CV-01414

Task/Expense	Date	Hours	Rate
<u>GROUP 1</u>			
Collection of client info (letters and Bank statements), client interview, etc.	February, 2018	1.50	\$350/Hour
Preparation and filing of complaint	February, 2018	1.50	\$350/Hour
Preparation and filing of Certificate of Service	February, 2018	1.00	\$350/Hour
Review of Defendant's Motion to Extend Time	March, 2018	0.50	\$350/Hour

Preparation of Discovery, service to Counsel	March, 2018	2.00	\$350/Hour
Review of Defendant's Motion to Strike discovery request	April, 2018	1.00	\$350/Hour
Review of Defendant's Motion For Leave	April, 2018	0.50	\$350/Hour
Plaintiff's Brief and Motion to Deem Facts Admitted	May, 2018	2.00	\$350/Hour
Plaintiff's Motion to Compel	May, 2018	1.50	\$350/Hour
Review of Defendant's Response To motion to deem facts as admitted	May, 2018	1.50	\$350/Hour
Review of Defendant's Brief Regarding New Mortgage servicing regulations And the automatic stay	June, 2018	2.00	\$350/Hour
Review of Defendant's motion To withdraw reference	June, 2018	0.50	\$350/Hour
Plaintiff's Brief regarding CFPB Regulations and the automatic stay	June, 2018	5.00	\$350/Hour
Review of Defendant's Motion For withdraw of reference	June, 2018	0.75	\$350/Hour
Response to Defendant's Motion For withdraw of reference	June, 2018	3.50	\$350/Hour
Response to Defendant's Discovery, production of Plaintiffs' documents	August, 2018	4.00	\$350/Hour
Review of Defendant's Motion For more definite statement	September, 2018	0.50	\$350/Hour

Review of Defendant's responses To discovery and document production	November, 2018	5.00	\$350/Hour
Collection of additional letters, Bank statements, client interview	November, 2018	1.50	\$350/Hour
Drafting/review of plaintiff's Motion for leave to amend complaint	November, 2018	1.00	\$350/Hour
Review of Defendant's Response to Plaintiff's motion for leave to file Amended complaint	November, 2018	0.50	\$350/Hour
Review of Plaintiff's Motion for withdraw of Reference	December, 2018	0.50	\$350/Hour
Gathering of plaintiffs' Medical records, discussion With clients on status	January, 2019	2.50	\$350/Hour
Drafting/reviewing Plaintiff's Amended complaint	January, 2019	3.00	\$350/Hour
Preparation/reviewing of Certificate of service for Amended complaint	January, 2019	1.00	\$350/Hour
Review of MidFirst's Answer to Amended complaint	January, 2019	2.50	\$350/Hour
Review of MidFirst's motion To withdraw reference in District court	January, 2019	1.00	\$350/Hour
Drafting/reviewing joint motion to Consolidate cases in District Court	January, 2019	1.50	\$350/Hour

Review of Shapiro and Ingle's Answer to amended complaint	February, 2019	2.50	\$350/Hour
Preparation for plaintiffs' depositions	August, 2019	2.00	\$350/Hour
Depositions of plaintiffs	August, 2019	8.00	\$350/Hour
Review of Joint motion for Protective order in district court	August, 2019	0.50	\$350/Hour
Review of protective order In district court	August, 2019	0.50	\$350/Hour
Review of Shapiro and Ingle's Motion to extend deadlines In district court	August, 2019	1.00	\$350/Hour
Suggestion of death of James Love In district court	September, 2019	0.50	\$350/Hour
Telephonic status conference In district court	September, 2019	0.50	\$350/Hour
Review of Defendants' Motion To Vacate in district court	November, 2019	0.50	\$350/Hour

GROUP 2

Collection of client info (letters and Bank statements), client interviews, etc.	June-July, 2018	7.50	\$350/Hour
Preparation and filing of complaints	June-July, 2018	7.50	\$350/Hour
Preparation and filing of Certificates of Service	July, 2018	2.50	\$350/Hour
Review of Defendant's Motions to Stay Proceeding	July, 2018	1.00	\$350/Hour

Review of Defendant's motions To extend time	July, 2018	1.50	\$350/Hour
Responses to MidFirst's discovery And production of documents	August, 2018	20.00	\$350/Hour
Review of MidFirst's responses To Plaintiffs' discovery and Production of documents	August, 2018	25.00	\$350/Hour
Plaintiff's responses to defendant's Motions to stay proceeding	August, 2018	15.00	\$350/Hour
Hearings on motions to stay proceeding	August, 2018	1.00	\$350/Hour
Review of Defendant's motions For withdraw of reference	August, 2018	5.00	\$350/Hour
Preparation for Plaintiffs' depositions	August, 2018	15.00	\$350/Hour
Plaintiffs' Depositions	August, 2018	40.00	\$350/Hour
Review of Defendant's Motions for withdraw of reference In district court	August, 2018	10.00	\$350/Hour
Review of Defendant's answers To complaint	September, 2018	5.00	\$350/Hour
Drafting/reviewing responses in Opposition of Defendant's motions For withdraw of reference in District court	November, 2018	10.00	\$350/Hour
Review of Joint motions to continue Hearing on motions for withdraw Of reference in district court	November, 2018	2.00	\$350/Hour

Drafting/reviewing joint motions To consolidate cases in District court	January, 2019	2.50	\$350/Hour
Telephonic status conference In district court	August, 2019	0.50	\$350/Hour
Review of Defendant's joint Motions for protective order In district court	August, 2019	1.50	\$350/Hour
Telephonic status conference In district court	September, 2019	0.50	\$350/Hour
Review of Defendant's motions To vacate in district court	October, 2019	1.00	\$350/Hour
<u>Hearings & General Motions</u>			
<u>For all cases</u>			
Settlement, discovery, and discussion Emails between Plaintiff's counsel and Defendants' counsel (188 emails)	March, 2018 – November, 2019	18.80 Atty Hours	\$350/Hour
9019 Preparation and Court Appearance, Client Meetings to Sign Releases and Discuss Case Settlement, Amended to Schedules For each client	October, 2019 - TBD	18 Atty Hours 12 Paralegal Hours	\$350/Hour \$125/Hour

TOTALS

Attorney Fees	276.05 Hrs at \$350/Hr	\$96,617.50
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Paralegal Fees	12 Hrs at \$125/Hr	\$1,500.00
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Total Fees=
\$98,117.50

Reduced to =
\$53,000.00

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing upon Michele Hatcher, the Chapter 13 Trustee, electronically and on all creditors listed below and on the attached mailing matrix on this the 21st day of November, 2019.

SIROTE & PERMUTT, P.C.
2311 Highland Avenue South
Post Office Box 55727
Birmingham, AL 35255-5727
sporterfield@sirote.com
bragsdale@sirote.com
thumphries@sirote.com

/s/ John C. Larsen

<p>Label Matrix for local noticing 1126-8 Case 19-81307-CRJ13 NORTHERN DISTRICT OF ALABAMA Decatur Thu Nov 21 17:00:01 CST 2019</p> <p>U. S. Bankruptcy Court 400 Well Street P. O. Box 2775 Decatur, AL 35602-2775</p>	<p>Capital One Auto Finance, a division of Capi 4515 N Santa Fe Ave. Dept. APS Oklahoma City, OK 73118-7901</p> <p>AES/PHEAA Attn: Bankruptcy Po Box 2461 Harrisburg, PA 17105-2461</p>	<p>Midfirst Bank c/o Thomas Humphries Sirote & Permutt, P.C. 2311 Highland Avenue South Birmingham, AL 35205-2972</p> <p>AT&T One AT&T Way Bedminster, NJ 07921-2694</p>
<p>Alabama Pediatric Dental Associates 4001 Balmoral Dr. Huntsville, AL 35801-6403</p>	<p>Approved Cash Advance Center #213 3764 Sullivan St Ste B Madison, AL 35758-1708</p>	<p>C&R Title Pawn 2615 Memorial Pkwy NW Huntsville, AL 35810-3807</p>
<p>Capital One Auto Finance c/o AIS Portfolio Services P.O. Box 4360 Houston, TX 77210-4360</p>	<p>Capital One Auto Finance, a division of Capi P.O. Box 4360 Houston, TX 77210-4360</p>	<p>Crestwood Medical Center P.O. Box 1839 Montgomery, AL 36102</p>
<p>Diversified Consultants, Inc. Attn: Bankruptcy Po Box 551268 Jacksonville, FL 32255-1268</p>	<p>Financial Data Systems Attn: Bankruptcy Po Box 688 Wrightsville Beach, NC 28480-0688</p>	<p>First Franklin Financial P.O. Box 11245 Huntsville, AL 35814-1245</p>
<p>First Southern Financial of Alabama 3503 North Memorial Parkway Ste A-1 Huntsville, AL 35810-2443</p>	<p>Franklin Collection Service, Inc. P.O Box 3910 Tupelo, MS 38803-3910</p>	<p>Geico Casualty Company One Geico Center Macon, GA 31296-0001</p>
<p>Ginnys/Swiss Colony Inc Attn: Credit Department Po Box 2825 Monroe, WI 53566-8025</p>	<p>Home Fin Svc 1200 Jordan Ste 7 Huntsville, AL 35816-3040</p>	<p>Huntsville Hospital PO Box 2252, Dept 1050 Birmingham, AL 35246-1050</p>
<p>Huntsville Hospital c/o Franklin Collection Service Po Box 3910 Tupelo, MS 38803-3910</p>	<p>LVNV Funding, LLC Resurgent Capital Services PO Box 10587 Greenville, SC 29603-0587</p>	<p>LVNV Funding/Resurgent Capital Attn: Bankruptcy Po Box 10497 Greenville, SC 29603-0497</p>
<p>Microphase Clinical Laboratory P.O. Box 4112 Huntsville, AL 35815-4112</p>	<p>MidFirst Bank 999 NW Grand Blvd. Suite 100 Oklahoma City, OK 73118-6051</p>	<p>Midland Funding 2365 Northside Dr Ste 300 San Diego, CA 92108-2709</p>
<p>Midland Funding LLC PO Box 2011 Warren, MI 48090-2011</p>	<p>Midnight Velvet Attn: Bankruptcy 1112 7th Avenue Monroe, WI 53566-1364</p>	<p>Noblelending 2051 Max Luther Dr Nw # A Huntsville, AL 35810-3817</p>

(p) PLAZA SERVICES LLC
ATTN MANNY WILLIAMS
110 HAMMOND DRIVE
SUITE 110
ATLANTA GA 30328-4806

Quantum3 Group LLC
PO Box 788
Kirkland, WA 98083-0788

Redstone FCU
Attn: Bankruptcy Dept
220 Wynn Drive
Huntsville, AL 35893-0001

SFC- Central Bankruptcy
P.O Box 1893
Spartanburg, SC 29304-1893

Stuart-Lippman and Associates, LLC
5447 E 5th St
Suite 110
Tuscon, AZ 85711-2345

Tea Olive, LLC
PO BOX 1931
Burlingame, CA 94011-1931

U.S. Department of Housing and Urban Develop
451 7th St. S.W.
Washington, DC 20410-0002

Wells Fargo Bank
PO Box 5058
Portland, OR 97208-5058

Guy Forrester Sr.
120 Castlehill Dr.
Meridianville, AL 35759-1300

John C. Larsen
Larsen Law, P.C.
1733 Winchester Rd
Huntsville, AL 35811-9190

Kimberly Forrester
120 Castlehill Dr.
Meridianville, AL 35759-1300

Michele T. Hatcher
Chapter 13 Trustee
P.O. Box 2388
Decatur, AL 35602-2388

Richard M Blythe
United States Bankruptcy Administrator
PO Box 3045
Decatur, AL 35602-3045

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Plaza Services, LLC
110 Hammond Drive
Suite 110
Atlanta, GA 30328

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d) Midfirst Bank
999 NW Grand Blvd
Ste 100
Oklahoma City, OK 73118-6051

(d) U.S. Department of Housing and Urban Devel
451 7th Street S.W.
Washington, DC 20410-0002

	End of Label Matrix
Mailable recipients	42
Bypassed recipients	2
Total	44